

**27386. Misbranding of Old Trusty Tonic, Old Trusty Vermifuge Jr., Old Trusty Cough Mixture, Old Trusty Ear Canker Drops, and Old Trusty Vi-Ti. U. S. v. 33 Bottles of Old Trusty Tonic, et al. Default decree of condemnation and destruction.** (F. & D. nos. 38914 to 38918, incl. Sample nos. 24952-C, 24953-C, 24955-C, 24956-C, 24957-C.)

The labeling of these products bore false and fraudulent representations regarding their curative or therapeutic effects.

On January 12, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Old Trusty Tonic, 21 bottles of Old Trusty Vermifuge Jr., 21 bottles of Old Trusty Cough Mixture, 19 bottles of Old Trusty Ear Canker Drops, and 57 bottles of Old Trusty Vi-Ti at Emeryville, Calif., alleging that the articles had been shipped in interstate commerce in part on or about July 17, 1936, and in part on or about August 18, 1936, by the Old Trusty Dog Food Co., from Needham Heights, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the tonic consisted essentially of iron compounds, strychnine, creosote, oil of anise, glycerin, and water; that the vermifuge consisted essentially of castor oil with small quantities of tetrachlorethylene and oil of anise; that the cough mixture consisted essentially of water, sugar, creosote, extracts of plant materials including wild cherry, and aromatic substances including menthol; that the ear canker drops consisted essentially of a rancid fatty oil, an emulsifying agent, and a few crystals of calcium sulphate, and that the Vi-Ti consisted essentially of yeast and salt.

The articles were alleged to be misbranded in that the following statements appearing in the labeling, regarding their curative or therapeutic effects, were false and fraudulent: (Tonic, bottle) "A conditioner for dogs of all breeds formerly 'Disto-Tonic'"; (Vermifuge Jr., bottle) "Vermifuge Jr. A worm expeller for young dogs formerly 'Wormal Junior'"; (cough mixture, bottle) "For bronchial and pulmonary troubles"; (ear canker drops, bottle) "Ear Canker Drops \* \* \* a lotion for cankers, abscesses, and other ear sores"; (Vi-Ti, bottle) "Vi-Ti Vi-Ti is a scientifically prepared product for dogs, containing all elements necessary to the proper assimilation of food. It contains in proper proportion all the essential life giving Vitamins. Fed with the other 'Old Trusty' products it builds healthy bone and sinew, thus warding off in a large measure the dreaded distemper and other ailments, such as harsh coat, scurvy. It is especially beneficial to females in pregnancy and lactation and their young"; (Vi-Ti, circular) "Vi-Ti A Vitalizer for dogs \* \* \* We do not claim Vi-Ti to be a cure-all. We do know, however, from actual experience that a vitalized system wards off disease, and in the case of distemper, that most dreaded disease, the animal is only lightly affected. We do not know of a case where the dreaded after effects, such as Chorea, have occurred where Vi-Ti has been fed. Remember you must build a strong healthy frame for your growing puppy. Vi-Ti, fed to the mother before the puppies are born, has a marked effect not only on the health of the mother, but the puppies as well. Vi-Ti, fed to the mother, while nursing her puppies, enriches the milk. Vi-Ti, fed to the growing puppies, builds a strong health frame. Long Experience in handling dogs has demonstrated beyond doubt that a single Vi-Ti tablet daily will improve the general health of the average dog, give tone to the system, sparkle to the eye, and gloss to the coat. The show or breeding dog receives pronounced benefits."

On April 1, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27387. Misbranding of Chambers' Pills and Help Nature Tablets. U. S. v. 42 Boxes of Chambers' Pills and 36 Boxes of Help Nature Tablets. Default decrees of condemnation and destruction.** (F. & D. nos. 39150, 39151. Sample nos. 32658-C, 32659-C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On March 5, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 42 boxes of Chambers' Pills and 36 boxes of Help Nature Tablets at Hammett, Idaho, alleging that they had been shipped in interstate commerce on or about July 27, 1936, by the Chambers Medicine Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples showed that the Chambers' Pills consisted essentially of potassium nitrate, potassium bicarbonate, oil of cubeb, and plant drugs coated with calcium carbonate and green-colored sugar; and that the Help Nature Tablets consisted essentially of phenolphthalein and plant drugs, including strychnine, and a laxative plant drug coated with calcium carbonate and pink-colored sugar.

The articles were alleged to be misbranded in that the following statements borne on the box labels, regarding their curative or therapeutic effects, were false and fraudulent: (Chambers' Pills, carton) "A Remedy Especially for Kidney Complaints and diseases arising from disorders of the Kidneys and Bladder, such as Backache, Weak Back, Rheumatism, Dropsy, Congestion of the Kidneys, Inflammation of the Bladder, Scalding Urine and Urinary trouble. \* \* \* Clean The System Purify The Blood"; (Help Nature Tablets, box) "Help Nature \* \* \* For \* \* \* Dyspepsia \* \* \* Better Than Pills For Liver Trouble \* \* \* Help Nature \* \* \* For The Stomach, Kidneys, Liver and Blood." The Chambers' Pills were alleged to be misbranded further in that certain statements in a circular contained in the cartons falsely and fraudulently represented that they were effective in the treatment of pains in the back, scanty urine, too frequent desire to urinate, depressed and tired feeling, aching limbs, restlessness at night, irritability, continuous thirst, pains in the groin, brick dust or sediment in the urine, burning sensation, backache, irritation of the bladder, and any symptoms of kidney trouble; effective in the treatment of continuous discharges, leucorrhea, or whites; effective in the treatment of dragging pains, aching joints, and in soothing the irritated and inflamed parts of the organs; effective as an antiseptic; and effective to assist the kidneys in passing off uric acid poison from the system.

On April 7, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27388. Adulteration and misbranding of Hygem. U. S. v. 10 Bottles of Hygem. Default decree of condemnation and destruction. (F. & D. no. 39159. Sample no. 20404-C.)**

This product fell below the professed standard under which it was sold, and its labeling bore false and misleading representations regarding its composition and false and fraudulent representations regarding its curative and therapeutic effects.

On or about March 2, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Hygem at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 9, 1937, by the Bloomfield Laboratories from Bloomfield, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hygem \* \* \* The Mineral Oil Emulsion With Acidophilus."

Upon examination of a sample of the product, no acidophilus bacilli were found, but viable micro-organisms other than acidophilus bacilli (spore-bearing peptonizing organisms) were present to the extent of not less than 7 million per tablespoonful.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (carton) "The Mineral Oil Emulsion With Acidophilus \* \* \* Dosage Adults: One to two tablespoonfuls twice a day. Children: One teaspoonful twice a day"; (circular) "Hygem is sterilized under pressure for twenty minutes and each bottle is individually inoculated with Aciduric Bacilli", since it contained in the recommended dose but a negligible number, if any, of acidophilus bacilli and was contaminated with a large proportion of viable micro-organisms other than *Bacillus acidophilus*.

The article was alleged to be misbranded in that the statements (carton) "The Mineral Oil Emulsion with Acidophilus", (circular) "Hygem is sterilized under pressure for twenty minutes and each bottle is individually inoculated with Aciduric Bacilli" were false and misleading since they created the impression that the article consisted of a culture of acidophilus bacillus, when as a matter of fact it contained few, if any, acidophilus bacilli and a relatively large number of viable micro-organisms other than acidophilus bacillus. Misbranding was alleged for the further reason that the statement on the label, "Contains no Drugs nor Cathartics", was false and misleading since the article contained mineral oil, a substance having laxative properties.